

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 87613813 for the mark EMERSON CREEK EVENTS, Opposition No, 91241725, and Application Serial No. 87400157 for the mark EMERSON CREEK POTTERY MADE IN THE USA, Opposition No, 91244057, Consolidated.

COUNTRYVIEW POTTERY CO.)	
d/b/a EMERSON CREEK POTTERY and)	
EMERSON CREEK TEAROOM, and EMERSON)	
CREEK EVENTS, INC.)	
)	
Opposers,)	
)	
v.)	Opposition No.91241725
)	(Parent Case)
EMERSON CREEK POTTERY, INC.)	
)	
Applicant)	

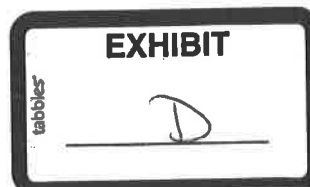
EMERSON CREEK POTTERY, INC.)	
)	
Opposer)	
)	
v.)	Opposition No. 91244057
)	
COUNTRYVIEW POTTERY CO., and)	
EMERSON CREEK EVENTS, INC.)	
)	
Applicants)	

**ANSWERS TO EMERSON CREEK POTTERY'S
FIRST SET OF INTERROGATORIES**

NOW COME COUNTRYVIEW POTTERY CO. and EMERSON CREEK EVENTS, INC., by and through their attorneys, Law Offices of McLaughlin & Associates, P.C., and for their Answers to Emerson Creek Pottery's First Set of Interrogatories, state as follows

GENERAL OBJECTIONS

Countryview Pottery Co. ("Countryview") and Emerson Creek Events, Inc. ("EC Events") object to Emerson Creek Pottery, Inc.'s ("ECP") definition of "Applicants," "Countryview Parties," or "You" in its Requests for Production of Documents to include Ron Wehrli, and Christina



Demiduk and David Demiduk, individually, as they are not Applicants for any trademark at issue.

Countryview and EC Events further to any request that seeks disclosure of information or documents related to sales of pottery or any other goods or any non-banquet or event related services, on the grounds that this opposition is solely associated with the registration of the instant application serial number 87613813 for the mark EMERSON CREEK EVENTS, and therefore such request is overbroad, irrelevant, and not reasonably calculated to lead to discoverable evidence.

Countryview and EC Events object to any request that is not limited in time as such request is overbroad and unduly burdensome.

(The foregoing objections will be collectively referred to herein as “the General Objections” and shall be incorporated by reference in each and every response wherever it states “Subject to the General Objections” before any response.)

TERMS

As used herein, Emerson Creek Pottery, Inc. shall be referred to as “ECP” and Countryview Pottery Co. and Emerson Creek Events, Inc. collectively as “Countryview Parties”.

1. Identify the person answering these interrogatories.

ANSWER: Christina Demiduk and David Demiduk, with assistance of counsel of record, Kenneth S. McLaughlin, Jr.

2. State whether Defendant State was given any opinion regarding Defendant(s)’ freedom to use any mark or text containing the terms EMERSON CREEK. If so, state:
 - (a) The date such opinion was requested. By whom?
 - (b) The date such opinion was given. By whom?
 - (c) Identify and annex a copy of any such opinion.

ANSWER: Countryview Parties object to Interrogatory #2 on the grounds that it seeks information protected by the attorney-client privilege. Subject to the General Objections, none other than may have been provided by legal counsel.

3. What are the total sales per month of Defendants’ pottery, cook book, gift shop, tea room, restaurant and event services for each month from the date of first sale thereof to date?
 - (a) Identify the classes of purchasers of Defendants’ said goods and services.
 - (b) State the net profit to Defendants per month derived from the sale of pottery, cook books, gift shop, tea room, restaurant and event services. How was profit determined? Identify and annex copies of all documents pertinent to the termination (sp.) of such profits.

ANSWER: Subject to the General Objections, Countryview Parties object to disclosure of any sales information except those related to event and banquet services. In response to this Interrogatory, Countryview Parties will produce redacted profit and loss statements and income tax returns showing gross revenues for event and banquet services. However, as such information requires additional time to obtain from storage and third party sources (such as accountants), such information will be provided via supplemental response. Countryview Parties object to the term “class of purchasers” as it is not defined and is vague.

4. Describe in detail Ron Wehrli’s relationship to each of Defendants by year, including any ownership interest, employment, duties and responsibilities. Please also identify the specific dates of same, details of beginning and end of same, reasons for same and all documents regarding, memorializing and effecting same.

ANSWER: Countryview Parties object to Interrogatory #4 on the grounds that it is overbroad as it is not limited in time and seek irrelevant information, as Ron Wehrli has not been involved in any part of the business for many years. Without waiving such objections, Ron Wehrli was a partner with Christina Demiduk years ago in the development of the gift shop and tearoom but was not involved with the development or operation of Countryview Parties’ event services business, incorporation, or specific selection or use of any trade name or trademark, including Emerson Creek Events.

5. Describe the ordinary customers, trade channels and advertising / marketing for pottery, cookbook, gift shop, tearoom, restaurant and event services.

ANSWER: Subject to the General Objections, the ordinary and typical customers of Emerson Creek Events include but are not limited to individual and business consumers planning wedding events, attending yoga events, vintage market events, and event services in a rustic environment. Advertising and marketing of event services include a website, social media pages on Facebook, LinkedIn, Twitter, Pinterest, and Instagram, and numerous wedding planning social media and advertising services, including but not limited to The Knot, Wedding Wire, Style Me Pretty, Venue Report, and Wedding Guide Chicago. Countryview Parties are members of the Oswego Chamber of Commerce. Countryview Parties’ business is well known and many consumers know it by reputation and word of mouth. See answers to Interrogatory #6 and 7 for a list of websites and social media sites and business and trade associations, as well ECE 001-251.

6. List all journals, magazines, periodicals, newsletters and websites to which Countryview Parties subscribe or purchase.

ANSWER: Subject to the General Objections:

Website: www.emersoncreekpotteryandtearoom.com

Facebook: <https://www.facebook.com/EmersonCreekPotteryandTearoom/>

Twitter: <https://twitter.com/Ecreekevents>

Instagram: <https://www.instagram.com/emersoncreekevents/>

Pinterest: <https://www.pinterest.com/emersoncreek/>

LinkedIn: <https://www.linkedin.com/company/emerson-creek-events-inc>

In addition, see ECE 001-251.

7. List all business and trade associations to which Defendants belong.

ANSWER: Oswego Chamber of Commerce. In addition, Countryview Parties' services can be found in connection with trade publications as set forth in ECE 001-251.

Dated: June 7, 2019

Respectfully submitted

By: Kenneth S. McLaughlin, Jr./

One of the Attorneys for Countryview Pottery Co.
and Emerson Creek Events, Inc.

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VERIFICATION BY CERTIFICATION

Under penalties of perjury as provided by law, the undersigned certifies that the Answers to Opposers First Set of Interrogatories are true and correct to the best of his or her knowledge.

COUNTRYVIEW POTTERY CO.

By: _____
Christina Demiduk, Its President

EMERSON CREEK EVENTS, INC.

By: _____
Christina Demiduk, Its President

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on June 7, 2019, he served a copy of the above-referenced Response to Opposer's First Set of Interrogatories upon Garfield Goodrum via email to: garfield.goodrum@gdrmlaw.net.

/Kenneth S. McLaughlin, Jr./
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